

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)

Plaintiff,)

v.)

GUARDIAN SECURITY SERVICES, INC.)

Defendant.)

03-73571

CASE NO. NANCY G. EDMUNDS

MAGISTRATE JUDGE CAPEL,

HONORABLE

DRAFT COMPLAINT AND JURY
TRIAL DEMAND

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the bases of sex, male and to provide appropriate relief to Joseph A. Chodnicki and other male employees of the Defendant who were adversely affected by such practices.

The EEOC alleges that Defendant, Guardian Security Services, engaged in unlawful employment discrimination against Chodnicki because of his sex, male. Specifically, Defendant discharged Chodnicki for allegedly violating a work rule prohibiting the disclosure of client confidential and/or proprietary information, yet failed to discipline two similarly situated female employees who violated the same work rule.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343, and 1345. This action is authorized and instituted pursuant to Sections 706(f)(1) and (3) and 707(c) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e-5(f)(1) and

(3) and 42 U.S.C. 2000e-6(e) ("Title VII"), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. The employment practices alleged to be unlawful were and are now being committed within the jurisdiction of the United States District Court for the Eastern District of Michigan, Southern Division.

3. Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), is the agency of the United States of America charged with the administration, interpretation, and enforcement of Title VII, and is expressly authorized to bring this action by Section 706(f)(1) and (3) and 707(c) of Title VII, 42 U.S.C. §§ 2000e-5(f)(1) and (3), and 2000e-6(e).

4. At all relevant times, Defendant, Guardian Security Services (the "Employer"), has continuously been an employer doing business in the State of Michigan and the City of Southfield, and has continuously had at least 15 employees.

5. At all relevant times, Defendant Employer has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g), and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g), and (h).

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Joseph A. Chodnicki filed a charge with the Commission alleging violations of Title VII by Defendant Employer. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least July 2001, Defendant Employer has engaged in unlawful employment practices at its Southfield, Michigan facility, in violation of Section 703(a), 42 U.S.C. § 2000e-2(a), and Section 704(a), 42 U.S.C. § 2000e-3(a). The Defendant's unlawful employment practices include subjecting Chodnicki to discharge for allegedly violating a work

rule prohibiting the disclosure of client confidential and/or proprietary information, but not discharging two similarly situated female employees who violated the same work rule.

8. The effect of the conduct complained of in paragraph 7 above has been to deprive Chodnicki of equal employment opportunities and otherwise adversely to affect his status as an employee because of his sex, male.

9. The unlawful employment practices complained of in paragraph 7 above were and are intentional.

10. As the result of the unlawful employment practices, Chodnicki has suffered emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life.

11. The unlawful employment practices complained of in paragraph 7 above were and are done with malice or with reckless indifference to the federally protected rights of Chodnicki.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Employer, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in sex discrimination and any other employment practice which discriminates on the basis of sex, male.

B. Order Defendant Employer to institute and carry out policies, practices, and programs which provide equal employment opportunities for men, and which eradicate the effects of its past and present unlawful employment practices.

C. Order the Defendant Employer to make whole Chodnicki by providing appropriate back pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices.

D. Order Defendant Employer to make whole Chodnicki by providing compensation for past pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above in amounts to be proven at trial.

E. Order Defendant Employer to make whole Chodnicki by providing compensation for past non-pecuniary losses resulting from the unlawful practices complained of in paragraph 7 above in amounts to be proven at trial.

F. Order Defendant Employer to pay Chodnicki punitive damages for its malicious or reckless conduct described in paragraph 7 above, in amounts to be proven at trial.

G. Grant such further relief as the Court deems necessary and proper in the public interest, including the institution of a sex discrimination policy and complaint procedure, and mandatory sex discrimination training for all Defendant's management employees.

H. Award the Commission its costs of this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

Respectfully submitted,

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